

Stephanie  
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STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Bob Holden, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

December 14, 2001

CERTIFIED MAIL 7099 3220 0009 3729 4905  
RETURN RECEIPT REQUESTED

Prentice-Hall Corporation System  
Registered Agent for:  
Seco Products Corporation  
221 Bolivar Street  
Jefferson City, MO 65101

RE: Seco Products Corporation, Washington, Missouri  
EPA ID#: MOD068549492  
Modification to RCRA Post-closure Requirements and Termination of Post-closure Care

Dear Sir or Madam:

Reference: Letter dated January 22, 1988, from James P. Naismith, P.E./Reed & Associates, Incorporated, and Mr. Robert Miller/Husmann Corporation to Mr. Dan Mroz/  
Missouri Department of Natural Resources.  
RE: Husmann SECO Lagoon and Drum Storage Closure Report

The Department of Natural Resources (the department) has proposed and approved a modification reducing the post-closure care period for the surface impoundment (lagoon) to terminate on December 1, 2001, for the Seco facility located in Washington, Missouri. Federal regulation 40 CFR 265.118(g)(2) as incorporated in 10 CSR 25-7.265 allows the director of the department to alter the requirements of the post-closure care period based on cause.

The lagoon was constructed in 1976 and received wastes from the former electropolishing metal-etching processes at the Seco plant and ceased receiving these wastes in 1983. During closure activities, the lagoon was excavated and backfilled. Prior to backfilling, the lagoon bottom was lined with a single sheet of black polyethylene, which provides a vapor and permeability barrier between the fill soil and the in-place soils. After backfilling, a final cover was put in place and a six-foot high cyclone fence was constructed around the lagoon site and final cover. The lagoon was certified closed on or about January 22, 1988. Post-closure care was required for the closure of a hazardous waste storage area, the lagoon, which did not result in removal of hazardous wastes to background levels.



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RCRA RECORDS CENTER

During closure activities, analysis of samples of the soil beneath the lagoon after excavation found that trichloroethylene (TCE) and methylene chloride (MC) were present, but at concentrations below the *Cleanup Levels for Missouri Guidance Document* (CALM) levels for residential areas (scenario A). However, the concentrations exceeded the CALM levels for the leaching to groundwater pathway scenario (C<sub>LEACH</sub>). Soils beneath the lagoon with this level of contamination were at or below the average water table elevation; therefore, migration of the contaminants into the groundwater was possible. Since closure was certified with residues left in place, a notation, in accordance with 40 CFR 265.118 as incorporated in 10 CSR 25-7.265, has been made on the property deed to alert potential purchasers of the property that the site had been used to manage hazardous waste.

Investigations at the site determined that, in addition to the lagoon, multiple waste disposal units were present and possibly impacting the groundwater. A 1989 Consent Order between the U.S. Environmental Protection Agency (U.S. EPA) and Hussmann Corporation (who owned Seco at the time of the Consent Order negotiations) listed 12 solid waste management units, including the interim status lagoon. Therefore, in a series of U.S. EPA Resource Conservation and Recovery Act (RCRA) 3008(h) actions beginning in 1989, Hussmann, with the oversight of U.S. EPA Region VII, performed subsequent investigation and remediation efforts at the site. These remediation efforts have progressed, resulting in a groundwater remediation system, which is in place and operating to remove volatile organic constituents (VOCs) from the captured groundwater. The system began operating in January 1990. Criteria to assess terminating operation of the groundwater remediation system are incorporated in the RCRA 3008(h) authority and are determined by U.S. EPA Region VII to be sufficient to assure remediation of the groundwater. Also at the site is a soil vapor extraction system (SVES), operated by Hussmann and under the same authority as the groundwater remediation system. The SVES is also operated under U.S. EPA Region VII oversight.

After review of the Seco facility project, the department has determined that the final remediation efforts are being accomplished under a U.S. EPA RCRA 3008(h) order with Hussmann and continued post-closure care is not warranted. Seco Products submitted a post-closure plan in November 1985, but it was not reviewed or approved. The post-closure period began on January 22, 1988, and would normally continue until January 22, 2018. Post-closure care requirements, described in detail under Sections 40 CFR 265.117 through 265.120 as incorporated in 10 CSR 25-7.265 consist of groundwater monitoring and reporting requirements and maintenance and monitoring of waste containment systems (often comprised of a final cover).

Federal regulation 40 CFR 265.117(a)(2) as incorporated in 10 CSR 25-7.265 allows the director of the department to shorten the post-closure care period. The department proposed a modification reducing Seco's post-closure care period for the lagoon to terminate on December 1, 2001. In conjunction with this modification to the post-closure care period, the department determined that the requirement for a post-closure care certification under

40 CFR 265.120 as incorporated under 10 CSR 25-7.265 be permanently discontinued and that the Seco facility be released from post-closure care under the provisions of 40 CFR Part 265, as incorporated in 10 CSR 25-7.265.

The facility is not released from interim status. As long as corrective actions are necessary to clean up contaminated areas at the site, a release of the site from interim status, and, therefore, from the hazardous waste permits universe, is not approved.

Any appeals of the issuance or denial of the permit or specific permit conditions based on state authority shall be filed in accordance with Section 260.395.11, RSMo. The appeal shall be filed with the Missouri Hazardous Waste Management Commission within 30 days from the date of this permit. The Missouri Supreme Court has ruled that corporations and associations may only proceed in legal matters through attorneys licensed to practice in Missouri. *Reed v. Labor and Industrial Relations Commission*, 789 S.W.2d 19 (Mo banc 1990). The court has determined that pleading filed by a non-attorney on behalf of a corporation or association is considered null and void, and therefore such pleading will not be accepted by the Hazardous Waste Management Commission. Individuals and partnerships are not required to have an attorney and are allowed to represent themselves in front of the commission.

In accordance with 40 CFR 265.145(h) as incorporated and amended by 10 CSR 25-7.265 of the Missouri Hazardous Waste Management Regulations, the director of the department is required to release a facility from financial assurance requirements following a determination that the post-closure care period has been completed according to the post-closure plan. Financial assurance is provided by a Letter of Credit issued by Bank of America in the amount of \$287,400, and a standby trust fund. The request for release of the Seco facility from financial assurance requirements for post-closure care follows the department's determination that post-closure care has been completed or is being accommodated under other authorities. Seco is hereby released from financial assurance requirements associated with the lagoon.

Thank you for your efforts to comply with the Missouri Hazardous Waste Law and regulations. Questions may be directed to Ms. Jacki Hicks of my staff at (573) 751-3553.

Sincerely,

HAZARDOUS WASTE PROGRAM



Cindy Kemper  
Director

CK:dwm

c: Ms. Stephanie Doolan, U.S. EPA Region VII  
St. Louis Regional Office

Summary of Comments and Responses  
for  
Seco Products, Incorporated  
Interim Status Post-Closure Care Period  
Modification

The legal notice inviting comments by the Missouri Department of Natural Resources on this modification request was published in the Washington Missourian on August 22, 2001. The modification request has been available for public review at the Washington Public Library, Washington, Missouri, and at the St. Louis Regional Office.

No comments were received.